UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/2000/SR.18
18 April 2000

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS

Fifty-sixth session

SUMMARY RECORD OF THE 18th MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 30 March 2000, at 10 a.m.

Chairman Mr. SIMKHADA (Nepal)

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GE.00-12234 (E)

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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, INCLUDING

(a) QUESTION OF HUMAN RIGHTS IN CYPRUS

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1 Mr GALLON (Special Representative of the Commission on the situation of human rights in Equatorial Guinea) said that he had been appointed to the post in August 1999 and had made his first visit to Equitorial Guinea in November 1999 He wished he could say that the situation in Equatorial Guinea had improved but, like his predecessors, he had found people who had been systematically detained without the orders of a judicial authority, despite the fact that the previous special rapporteurs had recommended that such abusive practices be halted Conditions in the prisons and police stations were still deplorable and the diet and general treatment of prisoners was injurious to their health The nine persons who had been condemned to death by military tribunal in 1998, and whose sentences had been commuted to life imprisonment, whose incommunicado imprisonment had been terminated, at his own request, by the President of the Republic, had since apparently been transferred, with some 50 other prisoners, from Malabo prison to a prison on the mainland, far away from their relatives There was reason to believe that torture was still systematically practised in the country

2 There were definite problems relating to power and democracy in Equatorial Guinea The efforts towards political liberalization made by the Government were insufficient and created a climate of tension and human rights abuse In the parliamentary elections held in March 1999, the governing party had won the vast majority of seats and the opposition had refused to enter parliament Municipal elections that should have been held early in 1999 had been postponed to the end of 2000, and it was clear that they would be postponed again

3 Many of the problems confronting Equatorial Guinea had originated in the past The country had gained independence from Spain in 1968 and had inherited many authoritarian practices from the then Spanish regime However, 30 years were more than sufficient to lift restrictions on freedom of movement, to establish independent media and to publicize laws Nevertheless, movement remained severely restricted, there was no press, laws were not made public, civilians continued to be judged by military courts and none of the recommendations made by the Commission's special rapporteurs had been implemented Yet another year had passed without the Government making good on its 1990 promise to secure the ratification of some international human rights instruments

4 The fact that the same serious human rights problems persisted despite 20 years of technical assistance to the country by the United Nations had caused him to recommend that the programme be suspended until a national human rights action plan were worked out and adopted Such a plan should identify recommendations which needed technical assistance for their

implementation and others for which no technical assistance was required and which could be implemented forthwith. The human rights situation in Equatorial Guinea was very serious but it could be improved if resolute action was taken by the international community in general and the Commission in particular.

5. Mr. MANGUE (Observer for Equatorial Guinea) said that he had been surprised to read in the Special Representative's report (E/CN.4/2000/40) that human rights violations in his country were considered to be systematic, massive and grave and also that the situation was precarious and fragile. The report was a dramatic one but not very credible. To put his country's situation in the proper perspective, it was a country at peace in a region of conflict. As Chairman of the Economic Community of Central African States (CEAC), the President of Equatorial Guinea had organized a summit of heads of State that had led to the creation of a mechanism to strengthen regional stability and resolve conflicts.

6. Equatorial Guinea was a small country with a small population, and until recently, had few resources. It currently had one of the fastest-growing economies in Africa and a per capita income of $1,200. The entire prison population amounted to 85 persons. As for religious freedom, 34 religions were practised. Contrary to the assertions regarding freedom of expression and the written media, there were some 12 newspapers and magazines, at least 5 of which represented the views of the opposition parties. In 1999, without any international assistance, legislative elections had been organized in which more than 12 political parties had competed. Dozens of international observers had been invited and had made positive observations about the process. The "severe criticism" of the process was repeated in the report without reference to the comments made by the Government and by foreign delegations.

7. He was pleased to inform the Commission that, as it had recommended in 1999, the Government and the political parties had continued their dialogue. It had recently been announced that municipal elections would be held on 28 May 2000. In consultation with all the legal political parties, a new electoral census was being completed and the election campaign would begin in mid-April. All the political parties would participate and the Government was planning to host delegations of international observers and train independent election monitors.

8. As Chairman of the second Commission on Corruption in the Judiciary, he wished to object to the Special Representative's characterization of that Commission as a ploy used by the executive branch to increase its power over the judiciary. It was in fact an attempt to end the "commercialization of justice" and to restore the people's faith in the judiciary. The judiciary did in fact work effectively, taking on average between one and three months to deal with the relatively small number of civil cases.

9. The Special Representative asserted that only persons from the government party could receive jobs in Government or the private sector. However, as part of its good governance programme, the civil service administration had adopted laws specifically prohibiting the hiring or firing of people because of political, ideological, ethnic or gender considerations. Those laws also provided for punitive damages to be paid to any injured party. Similar compensation was also payable to any person illegally detained or falsely arrested. Those measures had been adopted to correct some of the past abuses mentioned in previous reports to the Commission, and he drew them to the attention of the Special Representative.

10. The Special Representative called for the self-determination of his country's largest ethnic minority. There was no proof, however, that the minority was being persecuted and the Special Representative had cited no laws that discriminated in any way against any ethnic group, or any social behaviour that indicated that such was the case. All the ethnic groups in the country were totally free to practise their traditional beliefs, maintain their cultures, speak their own languages and participate fully in the political and economic life of the country. Members of the ethnic group to which the Special Representative referred held some of the highest political offices in the country and were fully represented in the armed forces and police force.

11. Mr. DE ICAZA (Mexico) said that, in a very short space of time, his country's democracy had undergone a profound and irreversible change. There was political pluralism and a division of powers. The coming general elections would be a true reflection of the people's will, thanks to the reforms to the Constitution, the regulations applying to political parties and the legislation governing the independence of the electoral authorities. The Government had signed an agreement with the United Nations on foreign observers for the elections.

12. Democracy involved not only elections, however, but also the rule of law and human rights. In both those areas his country had made progress. Since 1994, legislation had been introduced to give full autonomy to legal bodies and independence - and improved working conditions - for judges. The creation of the Federal Council of the Judiciary would not only buttress the independence of judges but would make them more professional.

13. Strengthening the rule of law was a matter of combating impunity. Over the past two years, in the Office of the Attorney-General of the Republic alone, about 1,000 civil servants had been dismissed or disqualified, while 1,139 had been punished and 317 prosecuted. The Federal District Human Rights Commission had just reported that, in the framework of the Programme of Action against Impunity, there had been 596 cases in 1999, in connection with which the Commission had imposed disciplinary and penal measures on 83 civil servants.

14. In December 1998, the Government had established the National Programme for the Promotion and Strengthening of Human Rights, in accordance with the recommendations of the Vienna Declaration and Programme of Action, because both the people and the Government believed that respect for human rights was an essential part of a State governed by the rule of law. The aim of the Programme was to strengthen institutional mechanisms and eradicate impunity. Much had been accomplished over its first year. Training had been given to civil servants, members of the armed forces and public security personnel. Numerous campaigns and educational activities had been mounted to inform the people of their rights and of the means of redressing grievances.

15. The Government continued to strengthen the ombudsman system, which comprised the National Human Rights Commission and the state commissions of each of the 32 states making up the Federation. In 1999, the Constitution had been amended so that the Chairman of the National Commission was elected by the legislature. He had his own staff and funding and reported to the Union authorities. Whenever human rights violations occurred, they were investigated and punished.

16. His Government reiterated its respect for the work of the non-governmental organizations (NGOs), with which it wished to maintain constant and fruitful dialogue. In 1999 a unit in the Ministry of the Interior had been given the task of dealing with complaints from journalists and human rights defenders. Action was taken on all such complaints.

17. International cooperation was of great assistance in creating a culture of respect for and promotion of human rights. The 28 reports that his Government had submitted to the United Nations treaty bodies and Commission mechanisms were no mere formalities. There was a constant dialogue with such bodies and their observations had resulted in positive action, including some legislation.

18. Democracy could not tolerate exclusion. The Government was profoundly concerned at the persistent poverty in Mexico, affecting a large section of the population and, in particular, the indigenous peoples, who were the cornerstone of the nation. Only through democracy could the faults of the past five centuries be rectified. In that context, he repeated the Government's commitment to reach a just and honourable peace in Chiapas through dialogue and negotiation. State institutions would still, however, have to preserve public order.

19. Mr. MOUSSALLI (Special Representative of the Secretary-General on the situation of Human Rights in Rwanda), introducing his report (E/CN.4/2000/41), said that, since completing it in January 2000, he had undertaken a mission to Rwanda between 18 and 28 March. The visit had coincided with the installation of a new Government and the resignation of the President, and he had been able to meet the new leadership, which had assured him of its determination to continue the policy of dialogue, coexistence, reconciliation and respect for human rights.

20. All elements of Rwandan society had been profoundly traumatized by the consequences of the genocide of 1994, and those institutions and agencies that were seeking to encourage the desire for peace, coexistence and pardon should be supported. It was necessary, however, for the population in general, and the survivors of the genocide in particular, to be convinced that the main culprits would not go unpunished. There were very mixed feelings in the country regarding the international community and the United Nations in particular.

21. The security situation had improved since 1997, particularly in the north-west of the country, but there was still an atmosphere of fear, which had perceptibly worsened as a result of recent assassinations in Kigali and elsewhere.

22. The Prime Minister of Rwanda had spoken of the importance his Government attached to human rights and to national unity and reconciliation. There was no real alternative in the long term, and the Rwandan authorities were clearly sincere in what they had said. As a matter of priority, they should concentrate simultaneously on security, the promotion of unity and national reconciliation, promotion and respect for human rights, economic development, justice, the development of a civil society, education and health.

23. He hoped that the efforts and initiatives of the National Human Rights Commission and the Commission on National Unity and Reconciliation would be supported by the international community and that the United Nations would play a more effective role in coordinating support from donors. He had recommended that the two Commissions each address a formal letter to the

United Nations High Commissioner for Human Rights asking her for specific and detailed technical assistance and training help, as well as for the services of international experts in project management

24 The Rwandan authorities and the donors concerned were to be congratulated on what they had already done to promote and respect human rights and national reconciliation but those efforts would be in vain unless the countries of the Great Lakes region were able to resolve the profound crisis and bloody conflicts affecting all their peoples The international community should make every effort to ensure that the agreements guaranteeing peace, security and economic development to all the peoples of the region were concluded and respected

25 Mr MUCYO (Rwanda) said he welcomed the fact that the Special Representative had recognized the efforts the Rwandan Government had made in all areas relating to human rights and had recommended that the international community should continue helping Rwanda to overcome the difficulties of establishing a law-based State Respect for human rights placed an obligation on the State to punish any person, without distinction, who broke the law The elimination of impunity was a prerequisite for peaceful coexistence and social cohesion, but it meant apprehending and bringing to trial all those who had taken part in the tragic events of the past despite their large number and the limited capacity of the State's legal apparatus

26 Classic legislation drawn up for normal times when criminality was a marginal phenomenon could not be applied when criminality had engulfed virtually the whole of society, so other ways and means had been sought A system of participatory justice known as the gacaca jurisdiction had been chosen as a form intermediate between traditional Rwandan justice and classical justice, it was based on popular participation in clarifying the truth But even that form of justice could not be done until those who had organized and planned the genocide and massacres had been arrested and charged

27 It was for that reason that his Government supported the Special Representative's appeal to the international community to cooperate fully with the International Criminal Tribunal and the Rwandan legal authorities in apprehending all who were sought His Government thanked those countries which had already begun to apprehend suspects on their territories

28 As for the security situation, the sole purpose of Rwanda's intervention in the Democratic Republic of the Congo was to ensure the security of Rwanda and its population In fact, as a result of it the activities in Rwanda of the former military and the interahamwe militias had diminished considerably His Government supported the Lusaka Agreements, and considered that their implementation by all parties to be the only way of ensuring lasting peace in the region

29 Mr KOH (United States of America) said that recognizing shared principles meant rejecting claims that any particular regional, national, ethnic, cultural or linguistic values justified the abuse of universal human rights At its fifty-fifth session, the Commission had recognized that democratic governance was a right accorded to all people The Commission should build on that achievement and approve the draft resolution sponsored by Romania on the promotion and consolidation of democracy

30. The indissoluble link between human rights and political democracy had been demonstrated by the recent elections in Nigeria and Indonesia. There had also been important steps towards democratic government in Benin, Botswana, Mali and Senegal, as well as positive steps to strengthen democratic institutions and respect for the rule of law in Estonia, Latvia and Slovakia. The commitment of the newly elected Government of Croatia to democratic principles and human rights was also encouraging.

31. As a result of recent elections in the Islamic Republic of Iran, the United States had taken a number of steps to improve its relations with that country, but remained troubled by its human rights record, particularly its treatment of religious minorities such as Baha'is and Jews. His Government was also very concerned about forthcoming elections in Haiti and Peru, and strongly urged both Governments to hold free and fair elections in an atmosphere unmarred by violence so as to restore public confidence and ensure their peoples the honest election process they deserved.

32. Where democracy was absent, human rights suffered, as in the former Yugoslavia where the Milosevic regime was continuing its campaign of terror against its citizens and its repression against its civil society; all groups in the region should work together for a peaceful, democratic and multi-ethnic Kosovo.

33. Human rights were systematically and ferociously violated in Sierra Leone, while government and anti-government forces in the Democratic Republic of the Congo had committed mass killings of civilians, arbitrary detentions, torture, beatings and rape. In Afghanistan, the Taliban continued their repressive treatment of women; there were also restrictions on gender freedom and religious freedom throughout Saudi Arabia. In North Korea, ill-advised government policies had left huge sections of the population facing malnutrition and even starvation. Myanmar had been under military rule for 10 years since the results of the election had been disregarded.

34. There were some who claimed that the Commission should not focus on country situations, but human rights abuses in some countries were simply too pervasive to be addressed by thematic resolutions. Thus, for instance, the Government of Iraq continued its brutal campaign against its people, ignoring appeals for access by human rights monitors and wilfully neglecting the Iraqi people's humanitarian needs. Saddam Hussein's was a regime for which a legal accounting was long overdue.

35. The United States also condemned in the strongest possible terms the human rights record of Sudan, which continued the illegal practice of slavery, persecuted Christians, animists and Muslims who failed to adhere to religious orthodoxy, violated its own ceasefire agreement by intensifying its aerial bombardment of civilian targets, refused to allow humanitarian flights and forcibly displaced thousands of people.

36. The Commission had a duty to address the worst country situations through country resolutions. When pervasive human rights violations in a country persisted, when human rights conditions deteriorated and when bilateral and regional efforts to protest against those conditions were rebuffed, the Commission should, as a matter of principle, speak out against them and urge that they be remedied. There should be agreement on the principle that no country should be

able to prevent the Commission from carrying out its duty of examining human rights violations through "no-action" motions that prevented honest discussion of whether a country's conduct met the shared international principles

37 To reaffirm those principles, his delegation would be introducing a resolution with respect to China's human rights policies, which fell short of the international standards that that country had agreed to uphold The United States did not consider that it was "confrontation" to ask member nations to play by global rules which they had themselves accepted, and which bound them The situation in China deserved to be examined by the Commission, and a resolution should be voted upon and adopted

38 His delegation would also be supporting a resolution regarding Cuba, whose Government continued ruthlessly to suppress all forms of political dissent

39 The Commission must also speak up for defenceless civilians in Chechnya While his Government recognized the right of the Russian Federation to defend its territorial integrity and to protect itself from terrorism, it objected to the indiscriminate use of force against innocent civilians It welcomed the Russian Government's decision to name a human rights ombudsman and to accept international experts on to an investigative team, but it was important that the Russian Federation should permit or conduct a prompt, transparent and independent investigation of all credible charges, provide the International Committee of the Red Cross (ICRC) with unhindered access throughout Chechnya, and provide for the re-establishment of the Assistance Group of the Organization for Security and Cooperation in Europe (OSCE) His delegation looked forward to hearing the High Commissioner's report on her forthcoming visit to the Russian Federation and to considering appropriate Commission action upon her return

STATEMENT BY THE MINISTER FOR THE PROMOTION OF DEMOCRACY AND THE RULE OF LAW OF TOGO

40 Mr OLYMPIO (Togo) said that the challenge facing the twenty-first century would be to create a new world which was more just and equitable and showed greater respect for human rights, and to propose comprehensive, effective and lasting ways of eradicating human rights violations

41 Throughout its history, Togo had respected the purposes of the United Nations and had often expressed its commitment to peace and justice, the principles of democracy, the rule of law and the promotion and protection of human rights It had ratified most of the international human rights instruments and was making every effort to integrate them into its legislation The 1992 Constitution covered human rights in great detail A National Commission for Human Rights had been established, together with several other relevant institutions provided for in the Constitution

42 In 1996, with a view to consolidating human rights practices, Togo and the Office of the High Commissioner for Human Rights (OHCHR) had signed a human rights technical cooperation project Implemented from 1966 to 1998, the project had carried out all the tasks assigned to it Thanks to that project, the democratic process was continuing and the human rights situation in the country was improving steadily The project's final evaluation report

stated that it had achieved results in many fields and that the series of training programmes aimed at a number of professional sectors had been of real benefit and had a genuine impact. He wished to express his Government's gratitude to OHCHR and to all the other partners in the project for having provided their assistance to his country.

43. Nevertheless, his Government, being well aware that much remained to be done in order to improve the human rights situation in the country, hoped that OHCHR would increase its technical cooperation. He reaffirmed his country's commitment to respect for life and human dignity and the determination of his Government to cooperate with the Secretaries-General of the United Nations and the Organization of African Unity (OAU).

STATEMENT BY THE DEPUTY MINISTER FOR FOREIGN AFFAIRS OF BULGARIA

44. Mr. RAYKOV (Bulgaria) said that the credibility of work in the field of human rights had to be measured against practical achievements. While there had been a number of positive developments, including finalization of the two optional protocols to the Convention on the Rights of the Child, and a good start had been made on the reform of the special mechanisms of the Commission, the effectiveness of the international community in dealing with cases of massive and flagrant violations of human rights continued to be challenged.

45. While primary responsibility for the implementation of human rights obligations lay with the State, the promotion and protection of human rights was the legitimate concern of the international community, which must show that it had assumed responsibility with regard to human rights violations in various parts of the world. His country had demonstrated its determination to work for the promotion of human rights and would like to improve its record further by assuming the responsibility of membership of the Commission.

46. The latest developments in Kosovo indicated how difficult it was to bring peace to a society torn by long-standing ethnic conflicts. A genuine multi-ethnic and democratic society, however, would be possible only if violence and extremism were renounced. There needed to be a clear focus for the efforts to initiate inter-ethnic dialogue. The commitment by the international community to municipal elections in Kosovo would speed up the process of devolving political responsibility to the main ethnic communities.

47. A prerequisite, however, was the holding of an accurate census of the population, including internally displaced persons and Serb refugees inside and outside the province. It was the international community's responsibility to secure the return of Serb refugees, if truly fair elections were to be held in Kosovo. No census or election could be permitted to legitimate an ethnically cleansed Kosovo.

48. His Government was extremely concerned about the significant increase in tension in southern Serbia. It was clear that the authorities in Belgrade were using the activities of certain extreme groups as a pretext to justify an increased presence of Serb police forces in the region, which was directly adjacent to Bulgaria. The result might be serious repercussions for the Bulgarian national minority, especially in the neighbouring Bosilegrad and Surdulica region of

the Federal Republic of Yugoslavia. The Bulgarian national minority living in Serbia had been subjected to serious pressure to assimilate for decades and he urged the authorities to respect its constitutional rights.

49. Another area of potential destabilization was the relationship between Serbia and Montenegro, which could easily result in another catastrophe on the territory of the former Yugoslavia. The reformist policy of the Montenegrin leadership was an important factor in enlarging the democratic space in the Federal Republic of Yugoslavia and his Government actively supported its efforts to create civil institutions and develop a visible local alternative. He commended the balanced approach maintained by the Montenegrin leadership, despite the political, economic and propaganda pressures it was undergoing.

50. In Serbia itself, there were continuing violations of human rights. The independent media and the democratic opposition were subject to threats and harassment. The international community should condemn such violations and support the consolidation of the democratic opposition with a vision of a future democratic Serbia based on the rule of law and pluralistic democracy, ensuring that the Milosevic model would not be reproduced in the future. It was also essential that the various minority ethnic groups in the Federal Republic of Yugoslavia - amounting to a third of the country's population - should be fully integrated into the democratic process. In that context, he questioned whether the current sanctions against Serbia were effectively focused and whether they served the cause of the country's future democratic development.

51. Lastly, consideration should be given to the potential threat to regional security of any spillover of instability from the Federal Republic of Yugoslavia, whether through cross-border crime or the criminalization of social and economic structures.

STATEMENT BY THE MINISTER OF STATE FOR HUMAN RIGHTS OF INDONESIA

52. Mr. SAAD (Indonesia) said that the Indonesian people had left the past behind and started to rebuild the nation. As it gradually emerged from its economic, social and political crisis, the country should not forget the lessons it had learned from its national development policies of the past three decades, which had failed to recognize the need for a proper balance between economic growth, democracy and respect for human rights. Although that policy had achieved unprecedented economic growth and poverty alleviation, it had turned out to be a fragile one. An overemphasis on stability for the sake of economic growth had resulted in the neglect or even suppression of certain civil and political rights. As a result of the lack of accountability, persistent and systematic government malpractice had gone unchecked.

53. The financial crisis besetting the East Asian region had been the catalyst of change, but in Indonesia the crisis had been exacerbated by corruption and nepotism in both public and private institutions, as well as the lack of accountability. It had taught the lesson that, in the new globalized economy, countries with institutional weaknesses would be affected particularly severely. Indonesia's economic achievements had thus been effectively brought to an end overnight.

54. A reform process had resulted from the country's self-examination and, in a new political environment of freedom, a nationwide effort was under way to lay the new foundations of political, economic and social life. He himself - an NGO activist from the remote and troublesome province of Aceh - represented the new Indonesia.

55. The current reforms were aimed at speeding up national recovery from the East Asian financial crisis, easing the transition to a more democratic system and upholding the rule of law. The Government, in cooperation with the House of Representatives, had established a team of legal experts to review all national laws with a view to ensuring their consistency with the spirit of reform. Some laws had been repealed and others adopted, many relating to the freedom of expression and association. Laws on the creation of a human rights court, on a truth and reconciliation commission and on an ombudsman were still under consideration. New laws on regional autonomy, giving local government a larger share of revenue, would soon come into force.

56. Within the new political framework, 48 political parties had emerged, together with a vibrant civil society and ever-growing number of human rights NGOs. People felt free to speak, and even to criticize the Government. They could demonstrate at any time. The press was among the world's freest. Above all, the Government had released all political prisoners. The conduct of the general election had also shown the significant progress achieved in reforming Indonesian society. Among other reforms, the Minister of Defence was, for the first time for 40 years, a civilian.

57. The economy had bounced back from minus 13.2 per cent growth in 1998 to positive growth of 4 to 5 per cent in the current year. That would enhance the Government's capacity to improve the provision of economic, social and cultural rights. The Government would continue to work for such rights. It had also taken measures to redress past abuses, including a dialogue with various groups affected by the actions of previous administrations. The task was not an easy one. The new environment of freedom had rendered many people socially disoriented. The Government was doing its utmost to address the root causes of social discontent, to enforce the law in the interest of public order and to educate all sectors of society in human rights. The task would not, however, be easy in a country of the size and diversity of Indonesia.

58. The situation in Aceh and Papua had given cause for serious concern over recent months. The overall situation in Indonesia, including the Moluccas, had greatly improved, largely thanks to the priority given to dialogue. Complementing that process, the first court hearings of cases of human rights abuse in Aceh would take place in April 2000.

59. The Government had still to deal with the residual problem of the issue of East Timor. It had already shown its strong commitment to bringing to justice those responsible for human rights abuses in the territory. The Indonesian Commission Investigating Human Rights Violations in East Timor had submitted its report, which identified a number of individuals thought to be responsible for human rights violations in East Timor in the period beginning January 1999. The Attorney-General was in the process of following up the Commission's findings. Serious steps had been taken to remedy the situation of the refugees who had fled to various parts of Indonesia, and to enable them to return to East Timor.

60. As far as future relations were concerned, Indonesia and East Timor had agreed to adopt a forward-looking policy. Mr. Gusmao, the leader of East Timor, had visited Jakarta in November and President Wahid had made the return journey in February, at which time an important agreement had been reached concerning the establishment of a joint commission between Indonesia and the United Nations Transitional Administration in East Timor (UNTAET) to promote cooperation between the peoples of Indonesia and East Timor.

61. The Government was implementing the National Plan of Action for the promotion and protection of human rights through programmes funded out of the country's own resources or in cooperation with other Governments or institutions. The country had most recently benefited from advisory services from OHCHR on the setting up of human rights courts. He urged the Commission not to neglect the importance of international cooperation, which might reduce the current over-politicization which too often marred its work.

STATEMENT BY THE MINISTER FOR FOREIGN AFFAIRS OF CUBA

62. Mr. PEREZ ROQUE (Cuba) drew attention to the glaring disparities in development between the richest and poorest nations, which was testimony to the international community's failure to realize the International Bill of Human Rights for all. The loudly proclaimed equality of human beings was called into question by the fact that the overwhelming majority of the world's population in developing countries consumed a mere 14 per cent of the total world production. Indeed, all the basic rights and fundamental freedoms - to which everyone was supposedly entitled - were undermined by the bitter realities.

63. It was difficult to reconcile the right to freedom of opinion and speech with the fact that ownership of the world's mass media was increasingly more privatized, monopolized and transnational. Delegations would be hard put to explain to the world's 800 million starving people - who owned only their hunger - what was meant by "the right of everyone to own property". With regard to the supposed right of everyone to take part in government, it must be remembered that 850 million illiterate adults in the world could not even write, let alone read, the word "right".

64. Five decades previously, the international community had declared that "everyone has the right to work", and yet millions of men and women remained prisoners of an irrational and unjust economic system which denied them that right. He wondered how the authors of the International Bill of Human Rights would have reacted, for instance, if they had known that 50 years later, more than 20 million people in Africa would be infected with HIV/AIDS, awaiting death. The world invested some US$ 800 billion each year in military expenditure, yet it had not been able to find the US$ 300 billion needed to treat those persons.

65. While the international community spoke of motherhood and childhood as being entitled to special care and assistance and of each individual having the right to be educated, 260 million school-age children did not receive any education and 160 million were undernourished; 600,000 women died each year in childbirth and the infant mortality rate in developing countries was 64 per 1,000 live births.

66. Such were the realities, pointing an accusatory finger at the international community, while the latter turned a blind eye. In view of the degree of manipulation, lies, hollow discourse and hypocrisy, and the dogmatic attempt to impose patterns and models purporting to universality, it was all the more essential to salvage the approach to human rights issues from the selfish interests to which they were hostage. A small group of rich and powerful States was increasingly attempting to monopolize the Commission and to use it as a tool for imposing their opinions and personal interests on the developing countries.

67. The Commission should rather be channelling its efforts and resources into promoting the right to development. Only then might the world's dispossessed masses be saved from poverty and hunger. Those same masses no doubt failed to understand why it was that the Commission met each year in Geneva.

68. At the World Conference on Human Rights, it had been proclaimed that everyone had the right to enjoy the benefits of scientific progress and its applications, yet 97 per cent of patents were controlled by the wealthy countries. It had also been stated that the debt burden of developing countries should be alleviated, and yet those countries devoted 25 per cent of their exports to debt-servicing. Although the importance of eradicating poverty had been affirmed in Vienna, the number of poor people in the world was constantly increasing. The poor struggled to survive while their Governments sat approving documents in a comfortable meeting room talking about "human rights".

69. It was essential that the Commission should be transformed into a tool for all countries to use to protect human rights. In 1999, however, the developed countries had accounted for 61 per cent of the resolutions and decisions adopted. Western European countries, the United States and Canada had more staff members in OHCHR than all the developing countries put together. Moreover, all country resolutions adopted since 1990 claimed that developing countries violated human rights, and all had been introduced by developed countries. He wondered whether it was that human rights were simply not violated in developed countries, or that the Commission was incapable of analysing such violations. Certain groups should have the humility to recognize that they did not have a prerogative of absolute truth. A spirit of deep democracy was required to accept that poor people could also be in the right. The poor must not be condemned for their poverty, especially in view of the legacies of colonial times.

70. It was a matter of great concern that, while ever-decreasing levels of resources were devoted to promoting development, combating hunger and poverty and compensating for centuries of lack of progress - the true causes of humanitarian crises - the notion of a "right to humanitarian intervention" was gathering force among the principal Western Powers, and had been applied several times in practice. The growing tendency to ignore the principles which, for 50 years, had constituted the pillars of international justice and the moral foundation of the United Nations, was also a cause for alarm. Countries should, indeed, be bombarded, not with missiles, but with new technologies, long-term funding for development, access to increasingly inaccessible markets and debt cancellation.

71. It remained to be seen whether the Commission would ever muster the courage to condemn the United States for its domestic human rights violations, such as child prostitution and pornography, widespread violence, the proliferation of firearms, police brutality and

inequalities in the judicial system. He wondered whether the Commission would ever dare to adopt resolutions condemning the United States for its unfair and arbitrary application of the death penalty, for its racial, sexual and religious discrimination, or for its neglect of the growing masses of poor and dispossessed people in the world.

72. He wondered, moreover, whether the Commission would ever be in a position to condemn the Government of the United States for the "dirty war" it had been waging against the people of Cuba for 40 years, with the single and self-professed aim of destroying the country's political, economic and social system. He would like to know how the "genocidal" blockade against Cuba was supposed to promote respect for human rights in the world. He wondered what the Commission would have to say to the 11 million Cubans concerning the declaration more than five years previously that food should not be used as a tool for political pressure. Not only had the United States not been condemned by the Commission for trying to starve them into surrender, it had been allowed to set itself up as supreme judge over the conduct of the rest of the world.

73. The United States was once more seeking to accuse Cuba within the Commission. In introducing a draft resolution against Cuba, the Czech Government must be paying for its admission into the North Atlantic Treaty Organization (NATO), or for its political and economic dependency on the United States. Cuba, for its part, was proud of its steadfast decision to defend its independence, dignity and sovereignty. It would never stoop, as others had, to serving an imperial power.

74. He hoped that the Commission would not become a silent accomplice to a serious violation of the rights of the child, namely the kidnapping and illegal detention in United States territory of the Cuban child Elián González. It was not merely the happiness of one child which was at stake, but the right of all children to live with their parents.

STATEMENT BY THE MINISTER OF STATE FOR FOREIGN AFFAIRS OF NIGERIA

75. Mr. ONYIA (Nigeria) said that he wished to testify to the commitment to human rights of the new Government of Nigeria, which was the first to be democratically elected after 15 years of military rule. His Government appreciated the adoption of Commission resolution 1999/11 on 24 April 1999, particularly with respect to the offer of OHCHR technical assistance for strengthening Nigeria's national capacity in the field of human rights.

76. His Government was appalled at man's increasing inhumanity to man in certain parts of the world. Racism and other forms of discrimination had no place in an interdependent global village. The challenge before the international community was that of effective implementation of the existing human rights mechanisms. The capacity to promote and protect human rights for all required the cooperation of all partners, as well as the political will to create an enabling environment.

77. Since taking office in May 1999, his Government had adopted measures to consolidate the nascent democracy and to ensure the independence of the judiciary and the freedom of the press. Extensive prison reform had also been undertaken. The Government had also established

a mechanism for investigating allegations of human rights violations by previous regimes, with a view to compensating past victims and restoring the confidence of the Nigerian people in Government.

78. The number of democratized societies had increased, but practical steps had yet to be taken to alleviate the foreign debt burden on the developing countries. His Government would also appreciate international assistance in tackling the persistent problem of money-laundering by members of the former regimes.

79. The new Government had introduced programmes to tackle poverty, to enhance food security, to create new jobs and to address neglected problems of minorities, particularly in the Niger Delta area. Parliament had approved the President's initiative to establish a Niger Delta Development Commission.

80. The focus within the Commission on Human Rights should be on international cooperation rather than confrontation, on encouragement, not discouragement, and on the effective utilization and equitable distribution of material wealth and resources.

STATEMENT BY THE UNDER-SECRETARY FOR JUSTICE OF CHILE

81. Mr. ORELLANA (Chile) said that his Government had the firm intention of further strengthening its republican and democratic institutions and of extending the enjoyment of human rights and fundamental freedoms. Since the restoration of democracy, Chile's foreign policy had been characterized by support for development and for the improvement of the various international instruments for the protection of human rights. International cooperation in the field of technical assistance and human rights education was a priority. His Government wholeheartedly supported United Nations human rights efforts and reaffirmed its readiness to collaborate fully with OHCHR.

82. In Chile, the right to development was seen as a priority, on the understanding that the primary responsibility for promoting such development rested with the national Governments. Chile, for its part, was conducting far-reaching reform of its criminal justice system by making the transition from an inquisitorial, document-based and secretive regime to one that was adversarial, oral and public. Prison conditions were being gradually improved and opportunities for social rehabilitation created; special legislation was being promoted for juvenile offenders, and legal aid was being made more accessible. The practice of detaining people on suspicion was being abolished and the offence of torture was being defined in accordance with international law.

83. Chile had constantly supported the establishment of a permanent international criminal court and was heartened by rapid adoption of the Statute of Rome. There had recently been considerable controversy, both nationally and internationally, regarding the competence of foreign courts in relation to judicial proceedings linked with human rights violations that had taken place in Chile. His Government had consistently defended the principles of international law in judicial disputes before foreign courts, and had not defended any particular person nor the actions for which his administration had been responsible. It had simply maintained the prior right of its courts to judge events that had taken place in Chile and under its jurisdiction.

84. The right to restitution of the victims of human rights violations continued to be a matter of interest to his Government, which had, in previous years, supported the draft resolution in the Commission designed to establish a set of rules and principles recognizing the right to restitution, indemnification and rehabilitation. His delegation hoped that the Commission would request the General Assembly to approve that set of rules so that they might be incorporated into positive international law.

85. The recognition of women's rights and incorporation of the gender aspect into the implementation of human rights treaties were priorities for his Government and, in the particular case of the rights of women in the United Nations system, his delegation was sponsoring jointly with that of Canada, a specific text which it hoped the Commission would approve.

86. His Government supported various initiatives aimed at establishing specially recognized rights for indigenous peoples and a forum to facilitate the discussion of questions of interest to them. In Chile, a serious dialogue had been initiated with the representatives of the indigenous peoples, the aim of which was to establish a new relationship between the State, society and the indigenous peoples.

87. The World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance to be held in 2001, would provide a suitable forum for an in-depth discussion of the ultimate causes of racist behaviour and intolerance, and should be vigorously supported by all delegations.

88. His Government was not entirely satisfied with the results of the process of reviewing the Commission's mechanisms and supported the working group's proposal on improving their effectiveness. It hoped that the Commission would put the recommended measures into practice.

89. Chile had decided not to put itself forward for a further term as a member of the Commission in order to allow for rotation among the members of the Latin American and Caribbean Regional Group.

The meeting rose at 1 p.m.